

रजिस्टर्ड नं० पी०/एस० एम० 14.



# राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

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शिमला, शनिवार, 16 अगस्त, 1986/25 भावण, 1908

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हिमाचल प्रदेश सरकार

HIMACHAL PRADESH VIDHAN SABHA SECRETARIAT

NOTIFICATIONS

*Shimla-2, the 14th August, 1986*

No. 1-39/86-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, the Himachal Pradesh Entertainments

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Duty (Amendment) Bill, 1986 (Bill No. 11 of 1986) having been introduced on the 13th August, 1986, in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette.

V. VERMA,  
*Secretary.*

Bill No. 11 of 1986.

**THE HIMACHAL PRADESH ENTERTAINMENTS DUTY  
(AMENDMENT) BILL, 1986**

(As Introduced in the Legislative Assembly)

A

**BILL**

*further to amend the Himachal Pradesh Entertainments Duty Act, 1968 (Act No. 12 of 1968).*

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-seventh Year of the Republic of India, as follows:—

1. (1) This Act may be called the Himachal Pradesh Entertainments Duty (Amendment) Act, 1986.

Short title  
and com-  
mencement.

(2) It shall come into force at once.

2. In sub-section (2) of section 3 of the Himachal Pradesh Entertainments Duty Act, 1968, for the figure "5,000", the figure "30,000" shall be substituted.

Amendmen  
of section 3

12 of 1968.

## STATEMENT OF OBJECTS AND REASONS

Under sub-section (2) of section 3 of the Himachal Pradesh Entertainments Duty Act, 1968 the State Government can levy lump-sum entertainment duty on video-exhibition at a rate not exceeding Rs. 5,000/- per month. On account of advanced science and technology, the video-houses with larger sitting capacity are coming up into existence. The upper limit of Rs. 5,000/- per month as laid down in sub-section (2) of section 3 of the said Act appears to be low. It is, therefore, considered necessary to raise this limit of rupees 5,000/- to 30,000/- per month.

This Bill seeks to achieve the above objective.

RAJ KRISHAN GAUR,  
*Minister-in-charge.*

SHIMLA,  
The 13th August, 1986.

## FINANCIAL MEMORANDUM

Clause 2 of the Bill, when enacted, will yield Rs. 1,25,000/- approximately annually as additional income to the State exchequer without involving any extra expenditure.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

NIL

## RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

(File No. EXN. F (15)-5/86-Excise & Taxation Department)

The Governor of Himachal Pradesh, after having been informed of the subject matter of the Himachal Pradesh Entertainments Duty (Amendment) Bill, 1986, recommends under Article 207 of the Constitution of India the introduction and consideration of the Bill in the Legislative Assembly.

*Shimla-2, the 14th August, 1986*

No. 1-38/86-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1973, the Himachal Pradesh Co-operative Societies (Amendment) Bill, 1986 (Bill No. 12 of 1986) having been introduced on the 14th August, 1986, in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette.

V. VERMA,  
*Secretary.*

**THE HIMACHAL PRADESH CO-OPERATIVE SOCIETIES  
(AMENDMENT) BILL, 1986**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

**BILL**

*further to amend the Himachal Pradesh Co-operative Societies Act, 1968 (Act No. 3 of 1969).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-seventh Year of the Republic of India, as follows:—

1. (1) This Act may be called the Himachal Pradesh Co-operative Societies (Amendment) Act, 1986.

Short title  
and commence-  
ment.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf.

2. In clause (c) of section 20 of the Himachal Pradesh Co-operative Societies Act, 1968 (hereinafter called the principal Act) after the word "nominated" but before the words "by the Government", the words, figures, sign and alphabet "under section 35 or appointed as Managing Director under section 35-B" shall be inserted.

Amendme-  
nt of sec-  
tion 20.

3. In sub-section (1) of section 35 of the principal Act,—

(i) after the word "nominate" but before the words "not more than three", the signs and words, "having such qualifications and experience and in the manner as may be prescribed," shall be inserted; and

(ii) for the sign ":", occurring at the end of clause (a), the sign "." shall be substituted and existing proviso shall be omitted.

Amendme-  
nt of sec-  
tion 35.

4. After section 35-A of the principal Act, the following new section 35-B shall be inserted, namely:—

Insertion of  
section  
35-B.

"35-B. *Appointment, powers and functions of Managing Directors.*—(1) Where the Government has subscribed to the share capital of a co-operative society to the extent of rupees five lakhs or more, the Government may, notwithstanding anything contained in the bye-laws of the society, nominate another member in addition to those nominated under section 35 and appoint him as Managing Director:

Provided that no person shall be appointed as Managing Director of a co-operative society unless he is a member of the Indian Administrative Service or Himachal Pradesh Administrative Service or Class-I Officer of the Co-operative Department, except the Himachal Pradesh State Co-operative Land Development Bank and the Himachal Pradesh State Co-operative Milk Federation

where technical persons may be appointed as Managing Directors.

- (2) A person nominated and appointed as the Managing Director under sub-section (1) shall be *ex-officio* member of the committee and shall hold office during the pleasure of the State Government and shall have a right to participate in the deliberations of the committee and shall also have the right to vote.
- (3) The Managing Director appointed under sub-section (1) shall exercise such powers as are assigned to him under the bye-laws or delegated to him by the committee. He shall discharge all such functions, consistent with the bye-laws, as are assigned to him by the Government or the Registrar. He shall work under the superintendence and control of the committee.
- (4) The Managing Director of a co-operative society shall be its principal executive officer. All employees of the society shall function and perform their duties under his superintendence and control.
- (5) The Managing Director appointed under sub-section (1) shall be deemed to be on deputation with the society and his salary and allowances, as determined by the State Government, shall be paid from the funds of the society."

Amendme-  
nt of secti-  
on 109.

5. After clause (o) of sub-section (2) of section 109 of the principal Act, the following new clause (oo) shall be inserted, namely:—

“(oo) the qualifications, experience and the manner of nomination of members on the committees of societies under section 35;”.

## STATEMENT OF OBJECTS AND REASONS

In order to streamline the functioning of such co-operative institutions wherein the State Government has subscribed the share capital, it has been considered necessary in the public interest to empower the State Government to prescribe the qualifications and experience of persons, and the manner in which the Government shall nominate or appoint the members of managing committees or the Managing Directors of such societies.

This Bill seeks to achieve the aforesaid objectives.

GANGU RAM MUSSAFIR,  
*Minister-in-charge.*

SHIMLA:  
The 13th August, 1986.

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## FINANCIAL MEMORANDUM

The provisions contained in the proposed Bill when enacted will not cause any additional income to, or involve any extra expenditure out of, the State exchequer.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill seeks to insert the provisions in sub-section (2) of section 109 of the principal Act to empower the State Government to frame the rules to prescribe the qualifications and experience of persons, and the manner in which nomination of members of Managing Committees of societies under section 35 of the said Act is to be made. Such rules shall be framed subject to the condition of previous publication and when framed shall be laid before the Legislative Assembly. This delegation is essential and normal in character.

